

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SCOTT PELLEGRINO, on behalf of himself and all
others similarly situated; and CHRISTINE VAN OSTRAND
on behalf of herself and all others similarly situated,

Plaintiffs,

- against -

NEW YORK STATE UNITED TEACHERS; UNITED
TEACHERS OF NORTHPORT, as representative of the
class of all chapters and affiliates of New York State
United Teachers; NORTHPORT-EAST NORTHPORT
UNION FREE SCHOOL DISTRICT, as representative
of the class of all school districts in the State of New York;
ANDREW CUOMO, in his official capacity as governor
of New York; LETITIA JAMES, in her official capacity
as Attorney General of New York;¹ JOHN WIRENIUS,
in his official capacity as chair of the New York Public
Employment Relations Board; ROBERT HITE, in his
official capacity as member of the New York Public
Employment Relations Board,

Defendants.

-----X
ROBERT E. MORELLI, an attorney duly licensed to practice law before the Courts of
this State and in the Eastern District of New York, affirms, under penalty of perjury, the
following to be true:

1. I am an Assistant Attorney General in the office of Letitia James, the Attorney
General for the State of New York. I represent Defendants ANDREW CUOMO, in his official
capacity as governor of New York; LETITIA JAMES, in her official capacity as Attorney
General of New York; JOHN WIRENIUS, in his official capacity as chair of the New York
Public Employment Relations Board; and ROBERT HITE, in his official capacity as member of

¹ Pursuant to F.R.C.P. 25(d), current New York State Attorney General Letitia James has been
automatically substituted for former Attorney General Barbara Underwood, as Underwood's tenure as Attorney
General ended on January 1, 2019.

the New York Public Employment Relations Board, in the above-captioned action.

2. I submit this Declaration for the sole purpose of attaching documents that are referred to in the accompanying Memorandum of Law.

3. Exhibit A is a copy of Governor Andrew Cuomo's July 18, 2018 directive to the New York State Department of Labor following the Supreme Court's decision in Janus v. AFMSCE Council 31, which is available at <https://www.governor.ny.gov/news/governor-cuomo-directs-new-york-state-department-labor-issue-guidance-us-supreme-court-janus>.

4. Exhibit B is a copy of the New York State Comptroller's July 3, 2018 Payroll Bulletin No. 1660, directing State agencies to cease the collection of agency fees from State employees, available at https://www.osc.state.ny.us/agencies/pbull/agencies/2017_2018/bulet1660.htm.

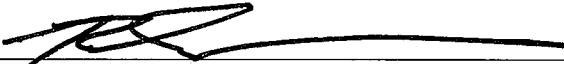
5. Exhibit C is a copy of New York State's January 2018 Amicus Brief in support of Respondents to the Supreme Court in the Janus v. AFMSCE Council 31 matter.

6. Exhibit D is a copy of Governor Andrew Cuomo's June 27, 2018 article in the N.Y. Daily News, available at <https://www.governor.ny.gov/news/governor-cuomo-responds-supreme-courts-janus-decision#>,

7. Exhibit E is a copy of Governor Andrew Cuomo's Executive Order 183, available at https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_183.pdf.

Dated: Hauppauge, New York
January 18, 2019

By:


Robert E. Morelli, Esq.
Assistant Attorney General
300 Motor Parkway, Suite 230
Hauppauge, New York 11788

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

EVELYN ORELLANA, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and is employed in the office of LETITIA JAMES, Attorney General of the State of New York, attorney for defendant. On January 18, 2019, she served a copy of the enclosed Declaration of Robert Morelli upon the following named persons:

PAUL R. NIEHAUS
Kirsch & Niehaus
150 East 58th Street
22nd Floor
New York, New York 10155

JONATHAN F. MITCHELL
Mitchell Law PLLC
106 East Sixth Street
Suite 900
Austin, Texas 78701

ATTN: DINA KOLKER
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038

ATTN: DAVID F. KWEE
Ingerman Smith, LLP
150 Motor Parkway, Suite 400
Hauppauge, New York 11788

the addresses designated by said persons for that purpose by UPS Overnight Mail.


EVELYN ORELLANA

Sworn to before me this
18th day of January, 2019

ROBERT MORELLI
Assistant Attorney General